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Dated: 10/13/05

Signature:

(Annie C. Bohlen)

IAEW  
Docket No.: 1153-702USPT  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.: 1153-702USPT

In re Application of: **JOHNSTON, Thomas** §

Confirmation No.: **8190**

Serial No.: **10/733797** §

Examiner: **Campbell, Thor S.**

Filed: **December 11, 2003** §

Art Unit: **3742**

For: **METHOD AND DEVICE FOR HEATING  
FLUIDS** §  
§

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

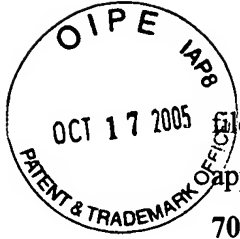
Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced  
Patent Application:

1. Amendment and Petition pursuant to 37 C.F.R. § 1.48(a) to Add to Original Named Inventor
2. Verified Statement of Facts of Additional Unnamed Inventor
5. Executed Declaration by Pete Atwell
7. Fee Transmittal - Authorization to charge deposit account in the amount of \$130.00 for the Petition Fee
8. Return postcard

Application No.:

Docket No.: 12345-00701USPT



The Director is hereby authorized to charge any deficiency in the fee filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-3468, under Docket No. 1153-702USPT.

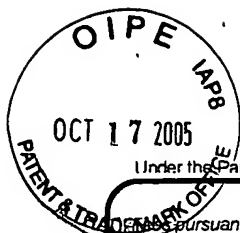
Dated: 10/12/05

Respectfully submitted,

By William D. Wiese  
William D. Wiese  
Registration No.: 45,217

**DUBOIS, BRYANT, CAMPBELL &  
SCHWARTZ, LLP**  
700 Lavaca, Suite 1300  
Austin, Texas 78701  
(512) 381-8028  
(512) 381-8029 (Fax)  
[bwiese@dbcsllaw.com](mailto:bwiese@dbcsllaw.com)

ATTORNEY FOR APPLICANTS



PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Required pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

**Complete if Known**

Application Number	10/733797
Filing Date	December 11, 2003
First Named Inventor	JOHNSTON, Thomas
Examiner Name	CAMPBELL, Thor S.
Art Unit	3742
Attorney Docket No.	1153-702USPT

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-3468 Deposit Account Name: DuBois, Bryant . . . LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>
_____ - 20 or HP = _____	x _____	= _____		<b>Fee (\$)</b> <b>Fee Paid (\$)</b>

HP = highest number of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____ - 3 or HP = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Add Unnamed Inventor **Fees Paid (\$)** 130.00**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 45,217	Telephone 512.381.8028
Name (Print/Type)	William D. Wiese	Date	10/13/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Anne Zohlen

Date: 10/13/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.: 1153-702USPT

In re Application of: <b>JOHNSTON, Thomas</b>	§	Confirmation No.: <b>8190</b>
Serial No.: <b>10/733797</b>	§	Examiner: <b>Campbell, Thor S.</b>
Filed: <b>December 11, 2003</b>	§	Art Unit: <b>3742</b>
For: <b>METHOD AND DEVICE FOR HEATING FLUIDS</b>	§	

**AMENDMENT AND PETITION PURSUANT TO 37 C.F.R. 1.48(A)**  
**TO ADD TO ORIGINAL NAMED INVENTORS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petition is hereby made to correct the incorrect naming of inventors pursuant to 37 C.F.R. 1.48(a).

A Verified Statement of Facts of Additional Unnamed Inventor is enclosed herewith under separate title. The facts verified therein establish that the erroneous failure to name Pete Atwell as a co-inventor was made without deceptive intention, when the error occurred, and when the error was discovered. The facts verified therein further establish that the instant Amendment and Petition has been diligently made.

The executed Declaration of Inventorship required pursuant to 37 C.F.R. 1.63 and the fee set forth in 37 C.F.R. 1.17(h) are enclosed herewith.

10/18/2005 HDEMESS1 00000052 503468 10733797

01 FC:1464 130.00 DA

Application No.: 10/733797

Docket No.: 1153-702USPT


title. Please debit any underpayment or credit any overpayment to Deposit Account No. 50-3468. A duplicate copy of this sheet is attached hereto.

The undersigned avers that the instant amendment and petition is diligently made.

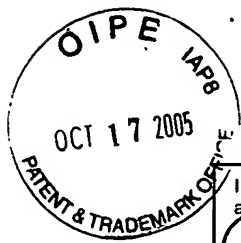
Dated: 10/3/05

Respectfully submitted,

DuBois, Bryant, Campbell & Schwartz, LLP  
700 Lavaca Street, Suite 1300  
Austin, Texas 78701  
512.381.8028-ph  
512.381.8029-fax

By   
William D. Wiese  
Registration No.: 45,217

Attorneys For Applicant



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Annie Zohlen

Date: 10/13/05

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**ATTORNEY DOCKET NO.: 1153-702USPT**

In re Application of: **JOHNSTON, Thomas**

Confirmation No.: **8190**

Serial No.: **10/733797**

Examiner: **Campbell, Thor S.**

Filed: **December 11, 2003**

Art Unit: **3742**

For: **METHOD AND DEVICE FOR HEATING  
FLUIDS**

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**VERIFIED STATEMENT OF FACTS OF ADDITIONAL UNNAMED INVENTOR**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

An additional unnamed Inventor, Pete Atwell, hereby states and declares that:

1. I am an employee of TriFact Solutions, Inc., having a business address of 2301 N. University Ave., Lubbock, Texas 79415.

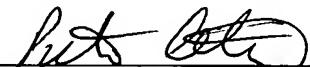
2. Upon information and belief, patent attorneys of the law firm of Jenkins & Gilchrist, a Professional Corporation, were instructed to prepare and file a patent application based upon an invention disclosure. This application was filed in the United States Patent and Trademark Office under Application No. 10/733797, filed on December 11, 2003.

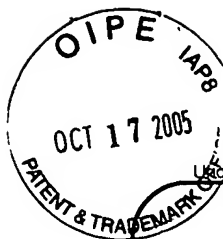
3. Upon information and belief, and unknown to me at the time of the preparation of the invention disclosure and during the preparation and filing of the patent application, my name, Pete Atwell, was not disclosed to our patent attorneys as being a co-inventor.

4. I declare that I, Pete Atwell, did prepare information to be included in the disclosure and should be included in this application as a co-inventor. I further declare that the inventorship error occurred without any deceptive intention on my part.

5. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such false statements may jeopardize the validity of the application or any patent issuing thereon.

Affidavit signed this the 8<sup>th</sup> day of ~~August~~ <sup>September</sup>, 2005:

  
\_\_\_\_\_  
Pete Atwell



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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)Attorney Docket  
Number

1153-702USPT

First Named Inventor

JOHNSTON, Thomas

**COMPLETE IF KNOWN**

Application Number

10/733797

Filing Date

December 11, 2003

Art Unit

3742

Examiner Name

CAMPBELL, Thor S.

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method and Device for Heating Fluids

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

12/11/2003

as United States Application Number or PCT International

Application Number

10/733797

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



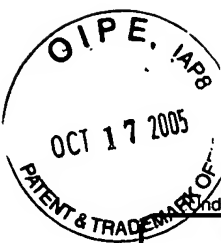
Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to: <input type="checkbox"/> The address associated with Customer Number: <div></div>		OR <input checked="" type="checkbox"/> Correspondence address below	
Name William D. Wiese - DuBois, Bryant, Campbell & Schwartz, LLP			
Address 700 Lavaca Street, Suite 1300			
City Austin		State Texas	ZIP 78701
Country US	Telephone 512.381.8028		Email bwiese@dbcslaw.com
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Pete		Family Name or Surname Atwell	
Inventor's Signature 			Date 9/8/05
Residence: City Breckenridge	State Texas	Country US	Citizenship US
Mailing Address 1358 FM 207			
City Breckenridge	State Texas	Zip 76424	Country US
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			